IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE EIGHTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

HON'BLE SRI DEVINDER GUPTA,

CHIEF JUSTICE

and
HON'BLE SRI JUSTICE M.NARAYANA REDDY

WRIT PETITION NO : 20485 of 2004

Between:

1 K.Khamrun, W/o K.Nazeer Ahmed,
R/o D.No.3-216, Chinna Thumbalam, Peddakadubur Mandal, Kurnool District
2 K.Fareeda, W/o K.Ramjan Saheb,
R/o D.No.3-220, Chinna Thumbalam, Peddakadubur Mandal, Kurnool District

..... PETITIONERS

AND

1 The Commissioner, Proh & Excise, Nampally, Hyderabad
2 The Assistant Commissioner of Proh. and Excise, Kurnool
3 The Proh. & Excise Inspector, Adoni, Kurnool District

4 G.Ediga Narasappa, S/o Balamanchi Eranna,
R/o D.No.3-19, Chinna Thumbalam, Peddakadubur
Mandal, Kurnool District

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ, Order or Direction, more particularly one in the nature of Writ of Mandamus, declaring the action of the official respondents in not taking any action against the 4th respondent in spite of the resolution dated 9-1-2002 passed by the Gram Panchayat and the representation dated 26-08-2004 & 28-08-2004 submitted by the villagers to prohibit the toddy business run by the 4th respondent or any other person at the center of the village i.e., near Maddileti Swamy Temple also known as Obulesu Swamy Temple of Chinna Thumbalam Village, Peddakadabur mandal, Kurnool District, as illegal, arbitrary, unjust and consequently direct the official respondents to prohibit the toddy business in the center of the village i.e.,near temple and primary schools, and to grant such other relief or reliefs as this Hon'ble Court deems fit and proper in the circumstances of the case.

Counsel for the Petitioners : MR.J.JANAKIRAMI REDDY

Counsel for the Respondent Nos. 1 to 3: GP FOR PROHIBITION & EXCISE

Counsel for the respondent No.4: None appeared.

The Court made the following :

ORAL ORDER:

(per Hon'ble The Chief Justice)

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1. This is a petition filed as public interest litigation. On 10th November, 2004 notice was accepted on behalf of respondents 1 to 3, but no counter-affidavit has been filed.

2. Grievance of the petitioners is that toddy business is being continued in a residential area, which is a heart of the village, where Maddileti Swamy Temple is located at a distance of 15 yards and a primary school at a distance of less than 100 yards and a Mosque is also situated near the said premises where toddy business is being conducted by 4th respondent. Petitioners have made reference to the resolution of the Panchayat dated 09.01.2002 that all liquor business creating nuisance in the locality will be shifted to a convenient place at a distance of 1 km., from the village and thereafter made representation to Nodal Officer and revenue authorities. Petitioners have also stated that revenue officials also visited the village and found that 4th respondent is running toddy business in the area and near the Temple and could not initiate any action. Petitioners have made reference to various representations. Representations were addressed to District Collector and Excise Department.

3. Despite notice, official respondents did not file any reply. Therefore, we will proceed to dispose of this writ petition with direction to respondent Nos. 1 to 3 as also to the Excise Superintendent, Kunrool, to ensure that the spot is duly inspected within a period of two weeks from the date of receipt of a copy of this order and in case any liquor business is being carried on contrary to the provisions of the Act, Rules & Regulations in that behalf, appropriate steps are taken within a period of two weeks thereafter to ensure that said business is shifted from the said place or appropriate orders for closure are passed. Ordered accordingly. No costs.

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DEVINDER GUPTA. C.J.,

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M. NARAYANA REDDY. J.,

Dated: 08.12.2004.

VRK.

To

1 The Commissioner, Proh & Excise, Nampally, Hyderabad
2 The Assistant Commissioner of Proh. and Excise, Kurnool.

3. The Excise Superintendent, Kurnool.
4 The Proh. & Excise Inspector, Adoni, Kurnool District
5 The Officer concerned, Public Interest Litigation Cell, High Court Buildings, Hyderabad.

6. The Secretary, A.P. State Legal Aid & Advisory Board, High Court Buildings, Hyderabad.

7. The Secretary to Government of A.P., Home Department, Secretariat, Hyderabad.

8. Two CCs to G.P., for Prohibition & Excise, High Court Buildings, Hyderabad (OUT).

9. Two CD copies.

HON'BLE SRI DEVINDER GUPTA,
CHIEF JUSTICE
AND
HON'BLE SRI JUSTICE M. NARAYANA REDDY.

W.P.NO. 20485 OF 2004.

(Order of the Bench delivered by
Hon'ble The Chief Justice)

Dt: 08.12.2004.